

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| KEVIN BRATHWAITE,               | ) |                                |
|                                 | ) |                                |
| Plaintiff,                      | ) |                                |
|                                 | ) |                                |
| v.                              | ) |                                |
|                                 | ) |                                |
| DAVID K. HOLMAN, ANTHONY        | ) |                                |
| J. RENDINA, CATHY MALAY, LARRY  | ) |                                |
| SAVAGE, MARCELLO RISPOLI,       | ) | Civil Action No. 04-1542 (GMS) |
| ROBERT WALLACE,                 | ) |                                |
| MATT STEVENSON, STEPHANIE       | ) |                                |
| CARPENTER, BARBI THOMAS, EDWIN  | ) |                                |
| NKWOPARA, LISE MERSON, V. DUNN, | ) |                                |
|                                 | ) |                                |
| Defendants.                     | ) |                                |

**ORDER**

At Wilmington this 5<sup>th</sup> day of June, 2006;

IT IS ORDERED that the plaintiff's motion for appointment of counsel (D.I. 64) is denied without prejudice to renew. The plaintiff, a *pro se* litigant proceeding *in forma pauperis*, has no constitutional or statutory right to appointed counsel in a civil case. *See Parham v. Johnson*, 126 F.3d 454, 456-57 (3d Cir. 1997); *Tabron v. Grace*, 6 F.3d 147, 153-54 (3d Cir. 1993). It is within this court's discretion, however, to seek representation by counsel for the plaintiff, but this effort is made only "upon a showing of special circumstances indicating the likelihood of substantial prejudice to [the plaintiff] resulting from [the plaintiff's] probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case." *Tabron*, 6 F.3d at 155 (representation by counsel may be appropriate under certain circumstances, after a finding that a plaintiff's claim has arguable merit in fact and law).

Having reviewed the plaintiff's remaining claims, the court finds that his allegations are not of such a complex nature that representation by counsel is warranted at this time. The various papers and pleadings submitted by the plaintiff reflect an ability to coherently present his arguments.



UNITED STATES DISTRICT JUDGE